

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

CHARLES FORTENBERRY, Jr.
v.
SHERIFF JOHN HENSON,
WENDELL TREADWAY, Jail Adm'r,
and TOMMY SKEANS, Former Jailer

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NO. 2:05-CV-42

ORDER

In accordance with the accompanying memorandum and order, this prisoner's pro se civil rights action under 42 U.S.C. § 1983 is **DISMISSED** for failure to exhaust administrative remedies. 42 U.S.C. § 1997e. The Court **CERTIFIES**, for reasons stated in the memorandum, that any appeal taken in this matter would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

Finally, the Court **DECLINES** to exercise jurisdiction over any state law claims asserted in this action as all federal claims lack merit, See *United Mine Workers v. Gibbs*, 383 U.S. 715, 726 (1966), and they are **DISMISSED WITHOUT PREJUDICE**. 28 U. S. C. § 1367(c)(3).

ENTER:

s/Thomas Gray Hull
THOMAS GRAY HULL
SENIOR U. S. DISTRICT JUDGE